

Remarks

The Office Action mailed November 1, 2006 has been carefully considered. Claim 12 has been canceled. As such, Claims 1-10; and 11, 13-19 remain in the case with all claims being rejected under 35 USC 103(a) as obvious in light of United States Patent No. 5,533,789 ("McLarty").

As the Examiner will recall, Independent Claim 1 relates to a knitted fabric having a first solution dyed component with substantial stretch properties, and a second component with substantially lower stretch properties than those of the first component. The components are dyed prior to fabric formation for providing a knitted fabric having color-uniformity in both stretched and relaxed states.

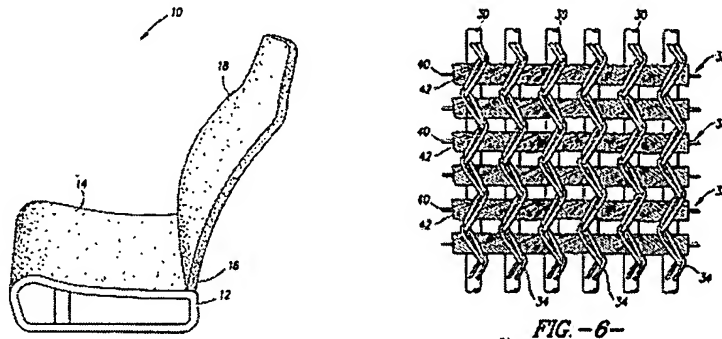
McLarty is directed to seating structures having support surfaces formed from resilient fabric without the need for underlying springs or cushion support structures.

Applicant respectfully requests withdrawal of the rejections because McLarty does not disclose a first solution dyed component with substantial stretch properties, nor would one having McLarty be motivated to solution dye a first component with substantial stretch properties for the following reasons.

As set forth in Applicant's specification, fabric- or garment-dyeing does not ensure color uniformity in some finished fabrics or garments. Non-uniformity is a particular problem in high-stretch garments having stretch and non-stretch components (page 2, lines 12-16). Such non-uniformity may result from the fact that stretch components are not exposed to dye during the fabric- or garment-dyeing process. For example, during dyeing the stretch component may be covered by the non-stretch component. Further, conditions required to adequately dye one component, e.g., the non-stretch component, may not be sufficient or may be too harsh to dye the other component, e.g., the stretch component. And even if traditional fabric- or garment-dyed products have a uniform or desired color initially, dyes may bleed unevenly from stretch and non-stretch components after several launderings, resulting in a non-uniform or unsatisfactory product.

When these types of fabrics or garments stretch, e.g., when a wearer moves, they reveal the non-uniform dyeing of the stretch component. Because these fabrics or garments are typically worn externally, such non-uniformity can be highly visible and highly undesirable.

In contrast to the problems above addressed by the present inventions, McLarty is directed to seating structures designed to eliminate support springs or support cushions. For context, McLarty's seating structure of Figure 1, and fabric of Figure 6 used to make that seat, are provided below:



As can be seen, the face of the fabric shown in McLarty's Figure 6 includes wrapped filament yarns 32 which include a highly elastomeric core 40, e.g., SPANDEX, wrapped with an aesthetically pleasing yarn 42. McLarty discloses that knit filament yarn 34 is preferably a solution dyed polyester.

The Office asserts that it would have been obvious for one of ordinary skill in the art to solution dye McLarty's elastomeric core yarn 40 "so that the dye is distributed evenly throughout the yarn rather than generally on the yarn surface" (Office Action of 4/21/2006, pg 3). Applicant respectfully requests that the Office reconsider its proposed motivation. Specifically, what would motivate one of ordinary skill having McLarty to distribute dye evenly throughout the yarn rather than generally on the yarn surface, i.e., what would motivate them to solution dye core yarn 40 of seat 10?

Applicant respectfully believes that the Examiner is aware of the high cost of dye required for solution dyeing. Applicant also believes that the Examiner is aware that each additional step in a manufacturing process adds cost and time, and creates the potential for new

manufacturing problems. Because solution dyeing is an expensive and time consuming additional step, Applicant does not believe one of ordinary skill having McLarty would expend the resources required to solution dye core yarn 40.

Specifically, McLarty does not disclose that core yarn 40 is visible or would ever be visible during normal use. To the contrary, McLarty discloses that core yarn 40 is wrapped with an “aesthetically pleasing yarn 42”, i.e., yarn 42 is the visible yarn, and core yarn 40 is not visible.

Also, unlike Applicant’s fabrics and garments which are constructed to provide a high degree of movement to the wearer, McLarty discloses that “it is important that any seating support structure have a limited degree of movement when loads are applied” (col. 3, lines 10-12). “Limited” movement also makes it unlikely that core yarn 40 would ever be visible. And even if McLarty’s movement was not limited, McLarty’s Figure 6 suggests that core yarn 40 would not be visible because it would still be covered by the much larger denier of cover yarn 42.

As noted, McLarty’s disclosure is directed to a seat covering as shown in McLarty’s Figure 1. Even in the unlikely event that stretching did uncover some portion of core yarn 40 relative to cover yarn 42, core yarn 40 would still be covered by the person sitting in the seat and would not be visible.

There is no disclosure or suggestion that core yarn 40 is ever visible. To the contrary, the disclosure suggests that core yarn 40 would never be visible. Applicant respectfully submits that the Office has failed to provide motivation for why one would go to the expensive step of solution dyeing yarn that is not visible. Without the requisite motivation, Applicant believes that the rejections in light of McLarty cannot render the present invention obvious.

Conclusion

By this amendment the Applicant believes the case is in condition for allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's

representative would welcome the opportunity for a telephone interview to expedite allowance and issue.



Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. Kody Jones".

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